

Amendment 149 is hereby re-categorized under the category of Medicaid.

Mr. Rogers of Norwood, Mr. Casey of Winchester, Mr. Kennedy of Brockton, Mr. Jones of North Reading, Ms. Rogeness of Longmeadow, Mr. Peterson of Grafton, Mr. Lepper of Attleboro, Mr. deMacedo of Plymouth, Mr. Linsky of Natick, Ms. Malia of Boston, Ms. Spilka of Ashton, Ms. Blumer of Framingham, Mr. Rodrigues of Westport, Mr. O'Flaherty of Chelsea, Mr. Fennell of Lynn, Mr. Murphy of Lowell, Mr. Miceli of Wilmington, Mr. Fagan of Taunton, Ms. Balser of Newton, Mr. George of Yarmouth, Ms. Paulsen of Belmont, Ms. Jehlen of Somerville, Mr. Rushing of Boston, Ms. Khan of Newton, Ms. Story of Amherst, Ms. Owens-Hicks of Boston, Mr. Marzilli of Arlington, Ms. Donovan of Woburn, Mr. Murphy of Burlington, Mr. Smizik of Brookline, Mr. Patrick of Falmouth, Mr. Eldridge of Acton, Mr. Toomey of Cambridge, Mr. Finegold of Andover, Ms. Stanley of West Newbury, Mr. Hillman of Sturbridge, Mr. Travis of Rhoboth, Mr. Ciampa of Somerville, Ms. Grant, and Ms. Teahan of Whitman move to consolidate the following amendments: 25, 33, ~~92, 93, 164~~, 171, 175, 176, 181, 194, ~~195~~, 204, ~~281, 286, 336~~, 367, 411, 426, 427, ~~439~~, 504, 505, 506, 523, ~~648~~, 649, ~~650~~, 659, 674, 739, ~~764, 765, 766~~, 767, ~~768~~, 786, ~~797~~, 814, 848, 850, ~~893~~ and hereby move to amend H.4000 by inserting at the end thereof the following sections:—

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SECTION _____. Notwithstanding the provision of any general or special law to the contrary, the Executive Office of Health and Human Services shall pursue Administrative Savings in the Behavioral Health Program of the Division of Medical Assistance. Such administrative savings shall seek to reduce duplication in the oversight of service provision, and shall include but not be limited to a reduction in the approval process of patients who need to be hospitalized; the development and implementation of self-management models for inpatient providers; and a recognition of national accreditation and Medicare status for licensure of inpatient behavioral health providers. Such Administrative savings shall also include initiatives to reduce the number of hospitalized children and adolescents who do not require inpatient hospital level of care, including but not limited to an expedited approval process for appropriate residential step-down programs; the enforcement of a No-Eject policy for residential settings; allowance for out-of-state placements for extraordinary circumstances; and a requirement that the department of social services visit hospitalized youths within one business day of hospitalization. The Executive Office of Health and Human Services shall also examine and make recommendations regarding whether there should be a financial assessment to offset the cost of providing hospital care on state agencies who have clients in hospitals who no longer require hospital level care. The Executive Office of Health and Human Services shall also examine and pursue appropriate models for increasing federal financial participation for the costs of the behavioral health program administrative vendor.

SECTION _____. The Secretary of the Executive Office of Health and Human Services shall report to the House and Senate Committees on Ways and Means and the Committee on Medicaid the results of said Administrative Savings initiatives no later than September 1, 2003, which shall include a list of the Administrative Savings adopted and the projected amount of savings from such initiatives."

SECTION _____. Notwithstanding any general or special law to the contrary, the Chief Justice for Administration and Finance shall submit to the clerks of the house and senate no later than January 1, 2004 a study of the following possible fee increases:

(a) a Boston municipal court department fee of \$120 fee on each civil suit or petition that has neither been dismissed nor had final judgment entered as to all parties within one year following the commencement of said suit or petition and in each year thereafter that such suit or petition remains without such final disposition.

(b) in any action commenced after June 30, 2003 in which the clerk adds interest to the amount of damages under sections 6B or 6C of this chapter, and in addition to any interest so added, there shall be added by the clerk of court to the amount of damages interest thereon at the rate of one-twentieth of one per cent per annum from the date of judgment.

(c) the authority to contract with private counsel on a contingent fee basis to collect the fair market value of attorney services provided to any defendant who materially understates or misrepresents his income or assets in order to qualify for legal representation intended for indigent persons appearing before the trial court."

(d) a uniform schedule of fees to be charged for the use of the services and facilities of the libraries maintained by the trial court and the departments of the trial court and having all persons other than those employed by the Commonwealth and using such services and facilities in the course of official business shall pay such fees in the manner set forth by the chief justice for administration and management.

(e) establishing a process for any adult person committed to a state or county correctional facility, as defined in section 1 of chapter 125, at the time of sentencing, be interviewed by the department of probation for the purpose of determination of financial condition and indigence; provided, that said interview be conducted in accordance with the provisions of sections 27A through 27C of chapter 261; provided further, that the purpose of the interview shall be to determine the overall financial condition of the defendant; provided further, that if after said interview and hearing, the court finds that the defendant is not indigent, and his or her financial condition permits, the court order in the mittimus that the prisoner pay to the commonwealth the sum of \$5 per day of incarceration to defray the costs of incarceration; provided further, that the commissioner of corrections, or sheriff, or superintendent of the facility in which the prisoner is incarcerated, shall propose regulations for a process that would require no later than 30 days prior to the prisoner's release, prepare an accounting of sums owed to the commonwealth.

(f) establishing the following fee of registers of the Probate and Family Court Department of the Trial Court: For the filing of complaints for modification, fifty dollars. For the entry of petitions for amendment of a record except such as relates to separate support, adoption, or the custody or support of minors, for a new bond, care of burial lot, fifty dollars; For the entry of petitions for discharge of surety, for erection of a monument, for new inventory, for the removal of a fiduciary, sixty dollars. For the entry of a petition for the appointment of a guardian except where the petitioner certifies that the ward's estate does not exceed one hundred dollars, petition for the appointment of a trustee, seventy dollars. For issuance of an injunction or temporary restraining order,

petition for leave to lease real estate, petition for leave to mortgage real estate, petition for leave to pay debts, filing a will for safekeeping, provided that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn, seventy-five dollars. For the entry of a general petition, an action for separate support, custody or support of minors, petition for the appointment of a special administrator, conservator, receiver of the estate of an absentee, or a petition for leave to carry on the business of deceased, petition for leave to compromise, petition for change of name, petition for letters to a foreign guardian, petition for release of dower or curtesy, for the entry of an action for separate support, filing a statement of voluntary administration, issuance of an injunction or temporary restraining order, petition under section thirty-six of chapter two hundred and nine by a husband or wife for authority to convey land as if sole, one hundred dollars. For the entry of a petition for the sale of real or personal estate including sales of real estate subject to vested or contingent remainders and petitions for the sale of real estate where the gross value of the sale price is under \$100,000, one hundred dollars, where the gross value of the sale price is \$100,000 to \$250,000, two hundred and fifty dollars, where the gross value of the sale price is \$250,001 to \$500,000, five hundred dollars, where the gross value of the sale price is \$500,001 to \$1,000,000, seven hundred and fifty dollars, where the gross value of the sale price is more than \$1,000,000, one thousand dollars. For administration of the estate of a person deceased intestate, petition for administration of goods not already administered, with will annexed or otherwise, entry of an action for the modification of a decree, petition for the probate of a will, one hundred fifty dollars. For the entry of a complaint for divorce or for affirming or annulling marriage, except as provided hereinafter for an action in equity, of a petition for partition, petition for specific performance, two hundred dollars. For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is five thousand dollars or less, no fee; where said gross value is more than five thousand and one dollars but less than ten thousand dollars, seventy-five dollars; where said gross value is more than ten thousand and one dollars but less than one hundred thousand dollars, one hundred dollars; where said gross value is more than one hundred thousand and one dollars but less than two hundred fifty thousand dollars, two hundred dollars; where said gross value is more than two hundred fifty thousand and one dollars but less than five hundred thousand dollars, one hundred fifty dollars plus 0.1% of said gross value of account, where said gross value is more than five hundred thousand and one dollars but less one million dollars, two hundred dollars plus 0.2% of said gross value of the account; where said gross value is more than one million dollars, four hundred dollars plus 0.2% of said gross value of the account, not to exceed five thousand dollars.

(g) establishing a fee for the entry of a complaint for divorce or for affirming or annulling marriage of \$140.

(h) establishing a program to refund the fee charged for speeding tickets if the decision of the clerk magistrate is reversed in its entirety.

SECTION_____. Notwithstanding any general or special law to the contrary, the commissioner of insurance shall study the levying of a \$100 fee on all life and health insurance agents duly licensed by the Commonwealth of Massachusetts, receipts of

which shall be payable into the General Fund. Said study shall be submitted to the clerks of the house and senate no later than January 1, 2004.

SECTION _____. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall submit to the clerks of the house and senate no later than January 1, 2004 a study of the following:

- (a) requiring the alcoholic beverages control commission to collect \$100 fee for the annual renewal of licenses by retailers, including a tavern license or any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages.
- (b) reducing the fees charged to non-residents and residents charged for firearms licenses to carry and firearm identification cards, requiring that the proceeds be deposited in the General Fund on a quarterly basis, and removing the four year expiration date on firearm ID cards and licenses to carry in order to make each card a lifetime issuance.
- (c) assessing a uniform \$125 fee regardless of filing category for all filings with the civil service commission.

SECTION _____. Notwithstanding any general or special law to the contrary, there shall be a fine of \$100 imposed on any individual that is convicted of a violation of sections 13B, 13F, 13H, 13L, 22, 22A, 23, 24, 24b, 26B, 26C, 43, 43A of Chapter 265 of the general laws or sections 3, 4, 16, 17, 28, 29, 29A, 29B, 29C, 35A of Chapter 272 of the General Laws. Said fine shall be in addition to, but not in lieu of, any other sentence proscribed by said sections. Such fine shall be transmitted by the court to the treasurer for deposit into the General Fund of the commonwealth. Said fine shall be levied in all instances and shall not be subject to waiver by the court. Such fine shall not be construed to substitute for the imposition of the punishment for the crime for which the individual was convicted.

SECTION _____. Section 7 of chapter 209A, as appearing in the 2000 Official Edition, is hereby amended, in line 50, by inserting after the word "imprisonment" the following:-

In addition, to but not in lieu of, the forgoing penalties, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund of the commonwealth.

SECTION _____. Subsection (a) of section 40 of said chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "established under section thirty-two of this chapter" and inserting in place thereof the following:- "of the federal short-term rate determined under section 6621(b) of the Internal Revenue Code, as amended and in effect for the taxable year, plus 2 percentage points, computed as simple

interest.

SECTION _____. Subsection (a) of section 40 of chapter 62C, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following paragraphs:-

For purposes of this section, the term "date of overpayment" shall mean the later of the date when the commissioner shall have received a properly completed return and full payment of the tax due thereon, or the date that the commissioner shall have received a completed and substantiated written application for abatement filed in accordance with this chapter.

The commissioner shall not refund any tax, interest, penalty or overpayment nor shall the state treasurer make any such refund where any taxpayer fails to file a return within three years of the due date of such return, without regard to extensions.

SECTION _____. Section 26 of the chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking subsection (c) and inserting in place thereof the following subsection:

(c) in the case of an arithmetic or clerical error or other obvious error, including any exclusion of taxable unemployment compensation or Massachusetts state lottery winnings, apparent either upon the face of the return or apparent from a comparison of the return with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner from any third party source, the commissioner may assess a deficiency attributable to such error without giving notice to the person being assessed.

The commissioner may make such corrections to errors found upon a taxpayer's return and to the amount shown as the tax assessed thereon, including an increase in tax due or a reduction in a refund claimed, as will cause the return to conform with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner by any third-party. Concurrently with the making of such corrections, the commissioner shall notify the taxpayer in writing of the changes made to the return. If within 30 days of the date of such notice, or within any extended period permitted by the commissioner, the taxpayer fails to challenge the corrections, the return as corrected shall constitute the taxpayer's amended self assessed return and the commissioner shall not be required to assess said corrected tax, nor to provide the taxpayer with a notice of intention to assess, nor to otherwise send any notice of the corrected tax liability to the taxpayer. Any taxpayer that disagrees with corrections made by the commissioner's corrections under this subsection shall challenge same in writing within 30 days of the date of the commissioner's notice, or within any extended period permitted by the commissioner. Once so challenged, the commissioner shall be required to assess any additional tax not shown on the original return in accordance with the provisions of subsection (b) of this

section and shall comply with the provisions of section 32(e) if the commissioner's initial corrections to the return resulted in the reduction or elimination of a refund claimed on the return by the taxpayer.

SECTION _____. Chapter 63 of the General Laws is hereby further amended by in section 32D, as most recently amended by Chapter 4 of the Acts of 2003, by adding at the end thereof the following sentence:—

Provided further, that in determining the net income of any qualified subchapter S subsidiary, its gross income shall be determined by computing its gross income as defined under the Code as if it had been taxed as a separate corporation for federal income tax purposes whether or not it is wholly or partially owned by a corporate trust, a subchapter S corporation, a limited liability corporation, a limited liability partnership, or any other type of entity, including any qualified subchapter S subsidiary, so engaged and so owned which the commissioner finds was established for the purpose of avoiding the foregoing limits..

and move to further amend H.4000 by striking sections 421 and 423 and inserting in place thereof the following sections:—

SECTION 421. Notwithstanding any general or special law to the contrary, 50 per cent of the fees collected by any sheriffs and deputy sheriffs, including those sheriffs and deputy sheriffs serving civil process within a county that has not been abolished pursuant to the provisions of chapter 34B or any other applicable provision of law, in excess of the fee structure in place for section 8 of chapter 262 of the general laws prior to July 1, 2003 and pursuant to section 388 of this act shall be transmitted to the state treasurer for deposit into the General Fund of the commonwealth. Each sheriff receiving an appropriation in items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, 8910-0619 or 8910-0000 of section 2 of this act that fails to file the report required by section 423 of this act on or before February 1, 2004 shall transmit, after February 1, 2004, 100 per cent of the fees so collected in excess of the fee structure in place for said section 8 prior to July 1, 2003 and pursuant to section 388 of this act to the state treasurer for deposit into the General Fund of the commonwealth.

SECTION 423. Notwithstanding any general or special law to the contrary, each sheriff receiving an appropriation in items 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110, 8910-0145, 8910-0619 or 8910-0000 shall file a report with the house and senate committees on ways and means no later than February 1, 2004 detailing the civil process fees charged by said sheriff's civil process office, all revenue received from said fees, the compensation structure for deputy sheriffs engaged in the service of process, and the expenditure of revenues generated from the collection of said fees. Said report shall include, but not be limited to, the number of civil process transactions by nature and quantity performed by each civil process office or division annually, fee schedules per transaction for those transactions where section 8 of chapter 262 of the general laws afford the sheriff discretion to set the fee, the organizational/corporate structure of the civil process office or division in relation to the sheriff's office, the role

parolee victim services surcharge shall be collected by the parole board and shall be transmitted to the treasurer for deposit into the General Fund of the commonwealth. The parole board shall account for all such fees assessed, received and waived and shall report such data annually to the secretary of administration and finance and the house and senate committees on ways and means.

and move to further amend H. 4000 in section 390 by adding at the end thereof the following:—

The court shall also assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probationers' victim services surcharge, hereinafter referred to as 'victim services surcharge', in the amount of \$5 per month. Said person shall pay said victim services surcharge once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probationer's victim services surcharge, hereinafter referred to as 'administrative victim services surcharge' in the amount of \$1 per month.

Said person shall pay said administrative victim services surcharge once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may not waive payment of either or both of said fees unless it has determined, after a hearing and upon written finding, that such payment would constitute an undue hardship on said person or his family due to limited income, employment status or any other factor. Such waiver shall be in effect only during the period of time that said person is unable to pay his monthly probation fee.

Said probation fee shall be collected by the several probation offices of the trial court and shall be transmitted to the state treasurer for deposit into the General Fund of the commonwealth. The state treasurer shall account for all such fees received and report said fees annually, itemized by court division, to the house and senate committees on ways and means.

and move to further amend H. 4000 by striking section 9 and inserting in place thereof the following:—

SECTION 9. Chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 172A and inserting in place thereof the following section:—

Section 172A. The criminal history systems board shall assess a fee of \$30 for each request for criminal offender record information; provided, however, that such fees shall not be assessed for such requests from a victim of crime, witness, or family member of a

homicide victim, all as defined by section 1 of chapter 258B, from a governmental agency or from such other person or group of persons as the board shall exempt. The criminal history systems board may assess a fee of \$25 for each request of criminal offender record information from an individual seeking to obtain criminal offender record information pertaining to himself provided, however, that upon a showing of indigency as defined in section 27A of chapter 261, the board shall not impose a fee. All such fees shall be deposited in the general fund.

and move to further amend H. 4000 in section 383, in line 8, by striking out the word “\$90” and inserting in place thereof the following:— “75”.

And move to further amend H. 4000 in section 164 by striking the words “January 1, 2005” and inserting in place thereof the following:- “January 1, 2009”.